

REMARKS

Claims 71, 73 and 75-77 are pending, each of which has been amended without narrowing its scope.

Claims 71-73 and 75 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. In particular, the position was taken in the Office Action that the term “items” in the recited “items of encoded data” was indefinite.

Applicants thank the Examiner for the productive April 8, 2010 interview with applicants’ undersigned representative. During the interview, the Examiner agreed that if “items of encoded data” were to be replaced in the claims by “streams of encoded data,” the Section 112, second paragraph rejection would be withdrawn. Without conceding that the term “items of encoded data,” when read in the context of the claims and specification, was indefinite, applicants have amended the claims to recite “streams of encoded data.” Applicants submit that the amendments do not narrow the claims, but merely say the same thing using different terminology.

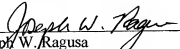
As was discussed with the Examiner during the interview, Fig. 5, for example, shows that streams of encoded data are created and merged into a continuous stream of encoded data. Thus, at least Fig. 5 provides support for the above amendment. The Examiner agreed that support was present in the disclosure for the amendment.

In view of the foregoing, the rejection under Section 112, second paragraph, is believed to be obviated. Since no other rejections are presently outstanding, the application is believed in condition for allowance.

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance.

Dated: May 17, 2010

Respectfully submitted,

By 
Joseph W. Ragusa
Registration No.: 38,586
DICKSTEIN SHAPIRO LLP
1633 Broadway
New York, New York 10019-6708
(212) 277-6500
Attorney for Applicant